
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FREDERICK BANKS, an American Indian,

Plaintiff,

v.

NATIONAL SECURITY AGENCY, et al.,

Defendants.

REPORT & RECOMMENDATION

Case No. 2:13-cv-931-CW-BCW

District Judge Clark Waddoups

Magistrate Judge Brooke Wells

District Judge Clark Waddoups referred this case to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B).¹ Before the Court is a Complaint filed on October 9, 2013, by Frederick Banks, a pro se plaintiff (“Plaintiff”) proceeding *in forma pauperis* (“IFP”).² On March 31, 2014, Plaintiff filed a Notice of Change of Address with the Court.³ The address provided by Plaintiff was a correctional facility in Ohio.

Due to inactivity, the Court issued an Order to Show Cause on March 3, 2015.⁴ The Court’s Order to Show Cause was returned to the Court as undeliverable because Plaintiff, who was an inmate, was “paroled or discharged.”⁵ As of the date of this Report & Recommendation, the Court has not received any updated address for Plaintiff.

DUCivR 83-1.3(e) of the United States District Court for the District of Utah’s Rule of Practice states that “[i]n all cases...parties appearing pro se must notify the clerk’s office immediately of any change of address, email address or telephone number.” Here, Plaintiff has failed to follow this rule and keep the Court advised of a change of his address. Consequently,

¹ Docket no. 4.

² Docket no. 2.

³ Docket no. 5.

⁴ Docket no. 6.

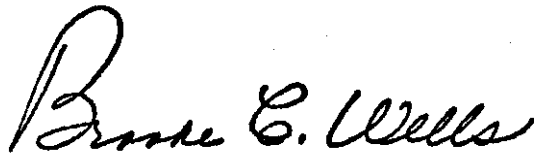
⁵ Docket no. 7.

the undersigned HEREBY RECOMMENDS that the District Court dismiss Plaintiff's complaint *without prejudice*.

NOTICE

Copies of this Report and Recommendation are being sent to all parties who are hereby notified of their right to objection.⁶ A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, and request for oral argument before the district judge, if any, within fourteen (14) days of being served with a copy thereof. A responsive memorandum and any request for oral argument before the district judge shall be filed within fourteen (14) days after the filing of the objection.

DATED this 25 March 2015.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter "B" is large and loops around the first part of the name. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge

⁶ See 28 U.S.C. §636(b)(1).